

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LEONARD KELLY HUFF, JR., #742100 §

VS. § CIVIL ACTION NO. 6:20cv9

BRIAN COLLIER, ET AL. §

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Leonard Kelly Huff, Jr., a prisoner currently confined at the Gib Lewis Unit within the Texas Department of Criminal Justice (TDCJ) proceeding *pro se* and *in forma pauperis*, filed this proceeding pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for the disposition of the proceedings.

On September 12, 2022, Judge Mitchell issued a Report recommending that Plaintiff's lawsuit be dismissed, with prejudice, for the failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A. Docket No. 26. A copy of this Report was sent to Plaintiff at his last-known address, with an acknowledgment card. The docket reflects that Plaintiff received a copy of the Report on September 26, 2022. Docket No. 27. To date, however, Plaintiff has not filed objections to the Report.

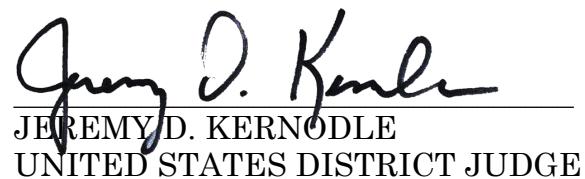
The Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten days to fourteen days).

Here, Plaintiff has not filed objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 26) as the findings of this Court. Therefore, it is **ORDERED** that this case is **DISMISSED** with prejudice for Plaintiff's failure state a claim upon which relief may be granted under 28 U.S.C. § 1915A. Finally, it is **ORDERED** that any and all motions which may be pending in this case are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 1st day of **December, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE